

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

GEORGE D. ARNESEN et al

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:23-CV-145-TBM-RPM

GINA RAIMONDO et al

DEFENDANTS

ORDER GRANTING MOTIONS TO APPEAR PRO HAC VICE

The Court has considered the Motions to Appear Pro Hac Vice filed by Plaintiffs on behalf of attorneys John Henry Thompson, James M. Burnham, Brett A. Shumate, and Louis Joseph Capozzi, III. Rule 83.1(d)(7)(E) of the Local Rules provides that a PHV “application ordinarily should be granted unless the court finds reasons to believe that” “the applicant had, before application, filed or appeared in the federal court without having secured approval under these rules.” The names of all four applicants for admission appear on the initial complaint as “Counsel for Plaintiffs”, albeit with the notation that “pro hac vice application forthcoming.” Doc. [1] at 59. Their names also appear as “Counsel for Plaintiffs” on the motion for preliminary injunction, supporting memorandum, and rebuttal—again with the notation “pro hac vice application forthcoming.” Doc. [6] at 2; Doc. [7] at 43; Doc. [16] at 20. Likewise, their names appear on a joint motion to extend time. Doc. [12] at 3. The complaint and pleadings in question were all signed and filed by a Mississippi-licensed attorney admitted to practice before this Court.

By including their names on the complaint and other pleadings, the applicants have come perilously close to violating the Court’s Local Rules regarding PHV admissions. *See Clayton v. City of Oxford, Miss.*, No. 3:21-cv-174-GHD-JMV, 2021 WL 4699182 (N.D.Miss. Oct. 7, 2021); *Reech v. Sullivan*, No. 3:18-cv-35-HSO-LRA, 2018 WL1698303 (S.D. Miss. Apr. 5, 2018); *Isom*

v. Valley Forge Ins. Co., No. 2:16-cv-109-KS-MTP, 2016 WL 4183315 (S.D.Miss. Aug. 5, 2016). Arguably, by including their names, the attorneys “appeared in federal court” prior to securing PHV admission. The Court nevertheless grants the motions to appear pro hac vice. Although the applicants’ names appear on the pleadings, they did not affix their signatures to the pleadings; nor is there any indication that the applicants have otherwise participated in the case. Furthermore, Defendants have not filed an objection or motion to disqualify.

Local counsel is cautioned that pleadings and filings containing the names of counsel who have not yet been admitted pro hac vice should not be signed by local counsel under L.U.Civ.R. 83.1. Local counsel, as well as the PHV attorneys, are directed to review the Local Rules for PHV admissions and their respective duties as counsel of record. Local counsel is reminded of obligations under L.U.Civ.R. 83.1(d)(3) to “personally appear and participate in all trials, in all pretrial conferences, case management conferences and settlement conferences, hearings and other proceedings conducted in open court, and all depositions or other proceedings in which testimony is given.”

IT IS THEREFORE ORDERED that the Motions to Appear Pro Hac Vice are hereby granted, and that John Henry Thompson, James M. Burnham, Brett A. Shumate, and Louis Joseph Capozzi, III shall be admitted to serve as co-counsel for Plaintiffs. Admission is conditioned upon completion of the registration procedures found on the Court’s website and at the following link: <https://www.mssd.uscourts.gov/attorney-admissions-page>.

SO ORDERED AND ADJUDGED, this the 25th day of July 2023.

/s/ Robert P. Myers, Jr.
ROBERT P. MYERS, JR.
UNITED STATES MAGISTRATE JUDGE